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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/788,421	03/01/2004	John Gaughan	044499-0197	4963

22428 7590 07/06/2005

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EXAMINER	
LEJA, RONALD W	
ART UNIT	PAPER NUMBER
2836	

DATE MAILED: 07/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/788,421	GAUGHAN, JOHN	
	Examiner	Art Unit	
	Ronald W. Leja	2836	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *unentered Proposed After Final 6/14/2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-10* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-10* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *01 March 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☒ Interview Summary (PTO-413) Paper No(s)/Mail Date. *6/22/2005*.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

The Arguments presented on 6/14/2005 were found persuasive. The Examiner contacted Keith J. Townsend on 6/22/2005 proposing additional Claim language via an Examiner's Amendment in Response to the Proposed After Final Amendment of 6/14/2005 and in view of a newly discovered Reference, Pryor et al. (5,319,515), which illustrated complementary Darlington configurations being utilized in surge suppression (see Figure 12 elements 226 & 227). The proposed claim language included negative limitations within Independent Claims 1 and 8, i.e. in Claim 1, at the end of the instant claim, would be added "wherein the surge suppressing circuit contains no other transistor". It was agreed that such an amendment would help distinguish from the teachings of Pryor et al.. However, upon further updating of the search, the Examiner found other references considered relevant, and as such, the Examiner called Mr. Townsend back indicating that **the Finality of the Office Action of 4/12/2005 was being withdrawn at this time in view of the newly found References**. The Examiner apologizes for any delays this action may cause for Applicant.

The proposed Amendment of 6/14/2005 has not been entered and thus, the objection to Claim 5 remains from the Final Office of 4/12/2005.

Claim 5 is objected to because of the following informalities: The language of Claim 5 is considered awkward with the phrase "diode circuited with". Appropriate correction is requested.

Claim 6 is objected to because of the following informalities: The language of Claim 6 appears to more properly lend its dependency from that of Claim 5. Appropriate correction is requested.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless -
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3, 4, 8 and 9 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Souri et al. (6,188556).

See Figure 3B.

Claims 1, 3, 4, 8 and 9 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Valentine (4,161,760).

See Figure 4.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 2, 5-7 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Valentine.

Claims 2 and 10 essentially add the use of resistor and a zener diode, which is connected between the base of the second transistor and ground. Valentine discloses in Figure 4 use of a resistor (49)

and use of a zener diode (47), which connected to the base of second transistor (42), but does not clearly disclose that the cathode of the diode (47) is connected to ground (rather Figure 4 illustrates -V) at least until the load is short-circuited (represented by closure of switch 48). At such a time, current is described as flowing through resistor (49) and diode (47) to GROUND (see Col. 3, lines 21-23). If (-V) is actually GND, then one could read zener diode (43) as the zener diode connected between the base of the second transistor and ground. In any sense it would have been obvious to one having ordinary skill in the art at the time of the invention, to apply the circuit of Valentine to an application wherein the applied DC driving voltage was between a positive voltage being referenced to GND, thereby offering the same protection against a short-circuited load. Therein, either zener diode (47) or (43) would be considered connected between the base and GND and still functioning with the desired protection, but with increased circuit applications. For Claim 6, see resistor (49). As far as Claim 7, the use of a capacitor would have been obvious as a means to adjust response times to a short-circuit condition, thereby helping to prevent nuisance trippings due to momentarily shorted load conditions, resulting in increased system reliability.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronald W. Leja whose telephone number is (571)272-2053. The examiner can normally be reached on Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Sircus can be reached on (571)272-2800. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ronald W Leja
Primary Examiner
Art Unit 2836

rwl
July 1, 2005